

Order prepared by:

E. KENT WINWARD #5562

ABRAHAM SMOOT #12666

Attorney for Debtor(s)

4850 Harrison Blvd, Ste 1

Ogden UT 84403

Telephone: (801) 392-8200

Facsimile: (801) 392-2724

utahbankruptcyfirm@gmail.com

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF UTAH**

In the Matter of:

Case No. 20-22208

Adam Herrera, Karen Herrera

Chapter 13

Judge Joel t. Marker

Debtor(s)

ORDER RE: MOTION TO SELL, PAY OFF EARLY AND FOR ATTORNEY FEES

Debtors (hereinafter “Debtor”) filed a MOTION TO SELL, PAY OFF EARLY AND FOR ATTORNEY FEES and scheduled a hearing for December 15, 2021. Notice of the Motion was given to the parties as evidenced in the Certificate of Service. The Trustee was the only party to respond and the Trustee’s objections have been resolved.

WHEREFORE, this Court, having reviewed the pleadings on file, being fully advised in the premises and good cause appearing, hereby ORDERS:

1. Debtor is permitted to sell 4488 Porter Ave, Ogden UT 84403;

2. Debtor shall provide the Chapter 13 Trustee with a copy of the closing documents within 3 business days of closing;

3. Debtor is permitted to pay off the bankruptcy early from proceeds from the sale. The approximate pay off amount is \$28,000.00, including attorney fees awarded in this motion. The amount required to pay off the plan must be turned over within 30 days of closing. The payoff shall be mailed directly by the title company to the Trustee's special payments remittance address (Lon A. Jenkins, Chapter 13 Trustee, 405 S. Main St, STE 600, Salt Lake City UT 84111), and shall include the Debtors' name and Case number (20-22208);

4. No further distribution shall be made on Claims Nos. 8 and 9 of Utah Housing by the Chapter 13 Trustee upon receipt of the final settlement statement. The Trustee may administer and close the case without amended claims. Trustee shall not be required to retrieve any funds disbursed on those claims prior to an entry of an order on this motion. The Trustee is allowed a fee on any prepetition mortgage arrearages, taxes or other encumbrances that are paid directly by the closing agent that otherwise would have been paid by the Trustee through the Plan. The Trustee is entitled to immediate payment of such fee based on the distribution to these creditors;

5. The Court appoints Kimberly Palmer of Realty Path LLC Pro as the Debtors' real estate agent; and

6. Attorneys fees in the amount of \$613.00 are awarded as an administrative expense under 11 U.S.C. § 503(b) and that they are to be paid by the Chapter 13 trustee from property of the estate to the extent funds are available.

END OF ORDER

DESIGNATION OF PARTIES TO BE SERVED

Service of the foregoing Order RE MOTION TO SELL, PAY OFF EARLY AND FOR ATTORNEY FEES shall be served to the parties and in the manner designated below:

By Electronic Service: I certify that the parties of record in this case as identified below, are registered CM/ECF users and will be served notice of entry of the foregoing Order through the CM/ECF system:

Chapter 13 Trustee

E. Kent Winward, Counsel for Debtors

By U.S. Mail - In addition to the parties of record receiving notice through the CM/ECF system, the following parties should be served notice pursuant to Fed R. Civ. P. 5(b):

Adam Herrera, Karen Herrera

4488 Porter
Ogden, UT 84403-0000

_____/s/_____
E Kent Winward
Abraham Smoot
Attorneys for Debtor(s)